

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FRANCISCO SURIEL,

Plaintiff,

v.

THE PORT AUTHORITY OF NEW YORK AND
NEW JERSEY; PORT AUTHORITY POLICE
DEPARTMENT; POLICE OFFICER ANDREW
SAMUEL, Shield No. 3331; and Police Officer
BRETT TELESFORD,

Defendants.

DOCKET NO.: 1:19-cv-03867 (PKC)
(ST)

DECLARATION OF THE RECORD IN
SUPPORT OF DEFENDANTS'
MOTION FOR PARTIAL SUMMARY
JUDGMENT

I, Kathleen Gill Miller, Esq., an attorney duly admitted to practice law in the state of New York and this Court declares pursuant to 28 U.S.C. § 1746 under the penalty of perjury as follows:

1. I am an attorney in the Law Department of the Port Authority of New York and New Jersey ("the Port Authority"), attorney for the defendants, The Port Authority, the Port Authority Police Department ("PAPD"), Police Office Andrew Samuel, and Police Officer Brett Telesford, and I make this Declaration in support of defendants' motion for partial summary judgment pursuant to Fed. R. Civ. P. 56 and to certify that the attached documents are true and accurate copies of the record developed during discovery in this action.

2. Portions of the record are being submitted in support of defendants' motion as follows:

4. Attached as Exhibit "A" is a true copy of relevant excerpts from the Deposition of Police Officer Andrew Samuel, dated November 20, 2020, pp. 1-2, 5, 9-11, 13-15, 18-19, 24, 28-

35, 37, 48-52, 68, 72, 74, 77, 79-116, 118, 124-126, 128-133, 138-147, 163, 169, 180-181, 183-187, 194, 220, 234, 245-247, 260-261.

5. Attached as Exhibit “B” is a true copy of Officer Andrew Samuel’s Port Authority Self-Identification Questionnaire, Bates No. PA 0673.

6. Attached as Exhibit “C” is a true copy of Officer Andrew Samuel’s memo book, Bates No. PA 00029 – PA 00030.

7. Attached as Exhibit “D” is a true copy of relevant excerpts from the Deposition of Police Officer Brett Telesford, dated April 30, 2021, pp. 1-2, 5-6, 10-13, 17-23, 25, 27-32, 35, 41-48, 49-83, 105-119, 126-132.

8. Attached as Exhibit “E” is a true copy of Officer Brett Telesford’s Port Authority Police Recruit Contact Information Sheet, Bates No. PA 2537 - PA 2538.

9. Attached as Exhibit “F” is a true copy of relevant excerpts from the Deposition of Francisco Suriel, dated November 18, 2020, pp. 1-2, 4, 19-26, 30-33, 59, 62-72, 85, 101-114, 118-130, 132, 139, 148-151, 157, 170-179; and continued Deposition of Francisco Suriel dated May 6, 2021, pp. 190-191, 195, 198, 205-206, 221, 223-228, 240, 242, 248-249, 256-261, 279, 281-282.

10. Attached as Exhibit “G” is a true copy of relevant excerpts from the Deposition of Stephen Kendall, Director of Driver Operations at VIA, dated April 22, 2021, pp. 1-2, 5, 8, 11, 22, 25-33, 36, 43-48, 61-62, 81-82, 101-105, 110, 120.

11. Attached as Exhibit “H” is a true copy of plaintiff’s contract with Flatiron, a subsidiary of VIA, Bates No. VIA 0001- VIA 0008.

12. Attached as Exhibit “I” is a true copy of VIA’s record of driver assignment for plaintiff on August 6, 2018, Bates No. VIA 00016.

13. Attached as Exhibit “J” is a true copy of plaintiff’s arrest file, Bates No. PA 00001 - PA 00023.

14. Attached as Exhibit “K” is a true copy of relevant excerpts from the Deposition of Joseph Opromalla, dated December 16, 2020, pp. 1-2, 4-5, 37, 61-63, 68, 77.

15. Attached as Exhibit “L” is a true copy of the CAD Report, Bates No. PA 00028.

16. Attached as Exhibit “M” is a true copy of relevant excerpts from the Deposition of Luz Sanchez, EMT from Jamaica Hospital, dated March 16, 2021, pp. 1-2, 4, 6, 30-36, 56-59, 79.

17. Attached as Exhibit “N” is a true copy of relevant excerpts from the Deposition of Mathew Lindstadt, EMT from Jamaica Hospital, dated July 2, 2021, pp. 1-2, 5, 20-30.

18. Attached as Exhibit “O” is a true copy of the Jamaica Hospital Pre-Care Summary Report, Bates No. PA 2046 - PA 2049.

19. Attached as Exhibit “P” is a true copy of relevant excerpts from the Deposition of Lt. Grant Simmons of the New York City Fire Dept., dated September 29, 2021, pp. 1-2, 6-7, 16-20, 22, 29, 31, 43-44.

20. Attached as Exhibit “Q” is a true copy of the NYC Correctional Health Services Pre-Arrestment Screening Form, Bates No. PA 2558 - PA 2559.

21. Attached as Exhibit “R” is a true copy of relevant excerpts from the Deposition of Richard Delmonico, dated July 29, 2021, pp. 1-2, 5-6, 9, 25-26, 30-32, 36.

22. Attached as Exhibit “S” is a true copy of NYU Langone medical records, dated August 17, 2018, Bates No. PA 2470 - PA 2530.

23. Attached as Exhibit “T” is a true certified copy of plaintiff’s Criminal Court Record from Queens County Court, Bates No. PA 2831 - PA 2838.

By: /s/ Kathleen Gill Miller
Kathleen Gill Miller, Esq.
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Dated: July 26, 2022

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